



Hunter J. Shkolnik
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August 6, 2021

VIA CM/ECF

Hon. Charles R. Breyer
United States District Judge
Phillip Burton Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *In re: McKinsey & Co., Inc. National Prescription Opiate Consultant Litigation*,
MDL No. 2996
Application for Appointment to Plaintiffs' Steering Committee

Dear Judge Breyer:

Pursuant to this Court's Order, dated July 29, 2021, (ECF No. 158) seeking to appoint a Steering Committee and Lead Counsel in this proceeding, please accept this letter in support of my application for appointment to the Plaintiffs' Steering Committee in the above referenced litigation.

I am fully familiar with the claims before this Court. I am counsel of record in three multi-plaintiff cases in this MDL representing over 40 governmental entities including the first docketed case: the County of Genesee, New York; 2:21-cv-01039. Our firm represents numerous New York subdivisions including the initial county that undertook the case against McKinsey on behalf of governmental entities. Our firm filed the first case in the country against McKinsey, before the settlements were announced and before this MDL was established. Our firm was the first to challenge the settlements and have obtained confirmation from the New York state Attorney General that the national settlement against McKinsey does not release its governmental entities. Moreover, we were specifically designated by the joint panel of the JPML to address questions surrounding the McKinsey settlements and its application to exclude specific governmental entities. Further, McKinsey is headquartered in New York where we maintain an office.

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I am a founding partner of Napoli Shkolnik where I manage the discovery and trial teams of various mass torts for the firm. I obtained my B.A. *cum laude* from the University of Massachusetts and received my *juris doctor* from Yeshiva University Benjamin N. Cardozo School of Law. I am admitted to practice in New York and New Jersey as well as EDNY, SDNY, USDC DNJ and the U.S. Supreme Court.

I have dedicated the majority of my career, spanning 35 years, to representing injury victims in medical malpractice, mass tort and class action cases. I have presented and published extensively in such areas as class actions, ethics in class actions, toxic tort, trial practice, drug and medical device litigation, medical malpractice, automobile, substantial truck product liability, expert witness preparation, and *Daubert* hearings.

My firm has over 170 employees, 60 attorneys and 115 support staff with locations in San Juan Puerto Rico, New York, California, Illinois, Delaware, New Jersey, Florida, Texas, Michigan, Ohio, Kansas, and Washington, D.C. We are recognized nationally for handling complex product liability and other significant class actions as well as mass tort actions. The firm is involved in litigations requiring client representation all over the country, for drug, product and other toxic exposures; as well as consumer class actions and representing governmental entities, holding leadership positions in a wide range of cases. We have a long history of representing states and other municipalities in commercial and pharmaceutical litigation and have achieved billions in recovery for our clients, including \$1.4 billion for Nassau and Suffolk County New York in the *In Re Opioid Litigation* in New York State court, and almost \$1 Billion for 9/11 first responders.

Professional experience with MDLs

I have vast experience in managing MDL litigations having served as lead-counsel, liaison counsel, on executive committees, and numerous steering committees involving various drug and other mass torts. I have had the privilege of serving as court-appointed Co-Lead Counsel and as a member of the Plaintiffs' Steering Committee in many complex multidistrict proceedings which are summarized in the attached Resume. My prior experience includes leadership in many MDLs, including but not limited to: *In Re: Invokana (Canagliflozin) Products Liability Litigation* (MDL No. 2750); Plaintiffs' Executive Committee in the *Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation*; Appointed by U. S. District Judge Charles Brieant to serve as a Member of the Plaintiff's Steering Committee for *In re: PepsiCo. Inc., Bottled Water Marketing and Sales Practices Litigation*, MDL 08-1903 (United States District Court, Southern District of New York); Co-Lead Counsel for *In re: NuvaRing Products Liability Litigation*, MDL 1964 (MOED).

My qualifications to serve in this MDL are best illustrated by my most recent leadership appointment. Since January 8, 2018, I have had the privilege of serving on the Plaintiffs' Executive Committee in the *In Re National Opiate Prescription Litigation* (MDL No. 2804) before Judge Aaron Polster and was co-lead trial counsel on the first bellwether trial on behalf of a county in the country which settled for \$260 million on the eve of trial. In MDL 2804, my firm represents over 200 governmental entities. Our firm was one of the first in the country to file cases on behalf

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of governmental entities against the manufacturers, distributors and retail pharmacies in the country. Currently, I am co-lead trial counsel in the *In Re Opioid Litigation* and on trial as this application is being submitted, before Judge Jerry Garguilo in Suffolk County, New York.

Most recently, as co-liaison and negotiating counsel in the Flint Water Litigation, I obtained a \$641M settlement on behalf of the citizens of Flint, Michigan. The settlement included a victims compensation fund that provides payment to all injured people in Flint, including children and adults who ingested or came into contact with water received from the Flint Water Treatment Plant between 2014 and 2016. In addition, I recently secured a \$15 million settlement on behalf of a class of private well owners in Marionette, Wisconsin, due to water contamination.

It would be my privilege to apply my experiences to the plaintiffs' common benefit here, and, if appointed, I will commit my personal time and firm resources to so serve. Further, my firm will commit the necessary resources to assist leadership in pursuing this litigation in a timely manner. My firm has a track record of committing substantial time, resources and finances toward this type of litigation. The firm has the significant resources required to handle the voluminous motion practice and discovery demands which will be required in litigation such as this. We have significant experience in litigating mass tort and class action matters which normally require the receipt, organization, and analysis of millions of documents. We have a database system which electronically organizes all motion papers and discovery received. We have the document review technology required to sort through millions of pages of documents.

My extensive experience above will be an asset to this litigation. From these experiences, I have learned how important it is to have strong leadership, supported by a diverse steering committee, with highly skilled lawyers with the knowledge and skill set to address the demands presented in massive litigations like the present action. I have demonstrated time and again the professionalism and dedication required to lead a litigation. Should the Court so desire, I would be pleased to provide a list of co-counsel and defense counsels who will vouch for my professionalism and ability. I would be honored to serve on the Plaintiffs' Steering Committee in this litigation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Hunter J. Shkolnik", with a stylized, flowing script.

Hunter J. Shkolnik

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Admitted

New York

New Jersey

United States Supreme Court

United States District Court, Eastern District of New York

United States District Court, Southern District of New York

United States District Court, District of New Jersey

Education

Yeshiva University Benjamin N. Cardozo School of Law, J.D.

University of Massachusetts, B.A., cum laude

Overview

Hunter J. Shkolnik is an esteemed and dedicated attorney who focuses on the trials of significant personal injury cases, primarily in the area of drug, automobile, aviation-related, and heavy truck product liability litigation.

He leads the discovery and trial teams of various mass tort pharmaceutical and medical device litigations for the Napoli Shkolnik PLLC law firm. He is also active in managing national litigation and plaintiff litigation groups and was recently named to Law360's 2021 Product Liability Advisory Board.

He is currently serving as a chairman, leader, or court-appointed representative on Plaintiff Steering Committees in various drug and other mass torts. Additionally, Mr. Shkolnik has also held officer positions in the New York State Trial Lawyers, Nassau County Bar Association and Committee Chair positions in ATLA Health Care Finance Litigation Group, Orthopedic Implant Litigation Group, AAJ Breast Cancer Litigation Group, Co-Chair AAJ Heart Device Litigation Group, and the Chair of the Medtronic ICD and CRTD Litigation Subgroup.

Mr. Shkolnik has also lectured and organized seminars on issues involving Guidant, Medtronic, and St. Jude pacemakers; ICD and lead wire recall science and litigation; cardiac device product liability litigation; class action topics such as Ethics of Mass Tort Settlements, Lone Pine, State Federal Coordination and Preemption; and has — on multiple occasions — lectured on the science related to various pharmaceuticals.

Professional Affiliations

- American Association of Justice (AAJ), PFC Water Contamination Group, Co-Chair
- American Association of Justice (AAJ), The Actos Bladder Cancer Litigation Group, Co-Chair
- American Association of Justice (AAJ), Past Vice-Chairman, Healthcare Finance Litigation Group
- American Association of Justice (AAJ) Health Orthopedic Implant Litigation Group, Past Vice-Chairman, Science Committee Director
- American Association of Justice (AAJ), Past Chairman, Health Breast Cancer Litigation Group
- American Association of Justice (AAJ), Co-Chair, Health Heart Device Litigation Group
- Law360's 2020 Editorial Advisory Boards: Trials
- Law360's 2021 Product Liability Advisory Board
- Long Island Affiliate of the NYSTLA, Past President

- Nassau County Bar Association, Past Vice-Chairman, Medical Legal Committee
 - New York State Trial Lawyers (NYSTLA), Board of Directors; Past Secretary, Assistant Treasurer and Treasurer
 - Suffolk County Bar Association
 - Trial Lawyers of Puerto Rico (Vice President)
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Court Appointments: [Complete List](#)

- Plaintiffs' Executive Committee in *In Re: National Prescription Opiate Litigation*, MDL 2804 by United States District Court Judge Dan Aaron Polster of the Northern District of Ohio
 - Co-Liaison Counsel in the *Flint Water Crisis Litigation* by United States District Judge Judith E. Levy of the U.S. District Court for the Eastern District of Michigan
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Publications

- [Lawyer Limelight: Hunter Shkolnik](#), Lawdragon (May 17, 2021)
 - [Elmiron Litigation: Emerging Torts](#), Mass Tort News (May 27, 2020)
 - [Law Firm of the Month: Napoli Shkolnik PLLC](#), Attorney at Law Magazine (October 31, 2019)
 - [Sikkelee: A Victory for Plaintiffs and its Implications for Aviation Product Liability Claims](#), American Association for Justice Aviation Law Newsletter, Winter 2017
 - [Danger in the Ring](#) by Marie Brenner, Vanity Fair, January 2014
 - Divided They Fall: Concepcion's Effect on Consumer and Employee Claims (Co-Author: Richard J. Arsenault, Esq.), NYSTLA, Vol. 1, 2012
 - [Anti-clotting Drug Pradaxa Linked to More than 500 Deaths](#), AVVO Legal Guide, February 8, 2013
-

Awards and Honors

- American Association for Justice – Leaders Forum
- The Best Lawyers in America©
- The Best Lawyers in America: Mass Tort Litigation / Class Actions – Plaintiffs
- The Best Lawyers in America: Product Liability Litigation – Plaintiffs
- Litigation Counsel of America, Fellow
- Marquis Who's Who®, 2018
- The National Trial Lawyers, Aviation Trial Lawyers – Top 10
- New York Super Lawyers®: 2006 – 2021